

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Andre V. Blaylock, M.D.**

**Physician's and Surgeon's  
Certificate No. G 51438**

**Respondent**

**Case No. 09-2011-216634**


**DECISION AND ORDER**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on July 17, 2014.**

**IT IS SO ORDERED July 10, 2014.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer**  
**Executive Director**

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MATTHEW M. DAVIS  
Deputy Attorney General  
4 State Bar No. 202766  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2093  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 09-2011-216634

13 **ANDRE V. BLAYLOCK, M.D.**  
14 **9985 Sierra**  
15 **Fontana, CA 92335**

OAH No. 2013070352

16 **Physician and Surgeon's Certificate No.**  
**G 51438**

**STIPULATED SURRENDER OF**  
**LICENSE AND DISCIPLINARY ORDER**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California. She brought this action solely in her official capacity and is represented in this  
24 matter by Kamala D. Harris, Attorney General of the State of California, by Matthew M. Davis,  
25 Deputy Attorney General.

26 2. Andre V. Blaylock, M.D. (Respondent), is represented herein by Robert W. Frank,  
27 Esq., whose address is 1010 Second Avenue, Suite 2500, San Diego, CA 92101.

28 ///

3. On or about October 17, 1983, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. G 51438 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation 09-2011-216634, expired on April 30, 2011, and has not been renewed.

## JURISDICTION

4. On March 12, 2013, Accusation No. 09-2011-216634 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. On May 12, 2013, respondent was served with a true and correct copy of Accusation No. 09-2011-216634, together with true and correct copies of all other statutorily required documents, at his address of record on file with the Board which was and is: 9985 Sierra, Fontana, CA 92335. A true and correct copy of Accusation No. 09-2011-216634 is attached hereto as Attachment "A" and incorporated by reference as if fully set forth herein. On or about April 5, 2013, respondent filed a Notice of Defense and requested a hearing on the charges and allegations contained in Accusation No. 09-2011-216634.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 09-2011-216634. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation No. 09-2011-216634; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act, the California Code of Civil Procedure and other applicable laws, having been fully advised of same by his attorney of record, Robert W. Frank, Esq.

///

7. Respondent, having the benefit of counsel, hereby voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent does not contest that, at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations in Accusation No. 09-2011-216634, a true and correct copy of which is attached hereto as Attachment "A," and that he has thereby subjected his Physician's and Surgeon's Certificate G 51438 to disciplinary action. Respondent hereby surrenders his Physician's and Surgeon's Certificate No. G 51438 for the Board's formal acceptance.

9. Respondent further agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G 51438, or if an accusation is filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 09-2011-216634 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the state of California or elsewhere.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate No. G 51438 without further notice or opportunity to be heard.

## CONTINGENCY

11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board “shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license.”

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to approval of the Executive Director on behalf of the Medical Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for her consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated

1 Surrender of License and Disciplinary Order after receiving it. By signing this stipulation,  
2 Respondent fully understands and agrees that he may not withdraw his agreement or seek to  
3 rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board,  
4 considers and acts upon it.

5 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order  
6 shall be null and void and not binding upon the parties unless approved and adopted by the  
7 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full  
8 force and effect. Respondent fully understands and agrees that in deciding whether or not to  
9 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive  
10 Director and/or the Board may receive oral and written communications from its staff and/or the  
11 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the  
12 Executive Director, the Board, any member thereof, and/or any other person from future  
13 participation in this or any other matter affecting or involving Respondent. In the event that the  
14 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this  
15 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it  
16 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
17 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
18 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason  
19 by the Executive Director on behalf of the Board, Respondent will assert no claim that the  
20 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
21 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
22 of any matter or matters related hereto.

### 23 **ADDITIONAL PROVISIONS**

24 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties  
25 herein to be an integrated writing representing the complete, final and exclusive embodiment of  
26 the agreements of the parties in the above-entitled matter.

27 ///

28 ///

15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

16. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Medical Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 51438, heretofore issued to Respondent Andre V. Blaylock, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 51438 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 09-2011-216634 shall be deemed to be true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 09-2011-216634 shall

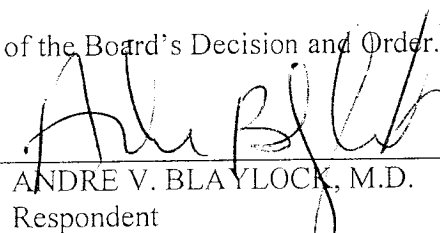
1 be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement  
2 of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I, Andre V. Blaylock, M.D., have carefully read this Stipulated Surrender of License and  
5 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily,  
6 intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's  
7 Certificate No. G 51438. I fully understand that, after signing this Stipulated Surrender of  
8 License and Disciplinary Order, I may not withdraw from it, that it shall be submitted to the  
9 Executive Director of the Medical Board of California for her consideration, and that the  
10 Executive Director of the Medical Board of California shall have a reasonable period of time to  
11 consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it.  
12 By entering into this stipulation, I fully understand that, upon formal acceptance by the Executive  
13 Director of the Medical Board of California, my Physician's and Surgeon's Certificate No.  
14 G 51438 shall be surrendered and that I shall lose all rights and privileges as a Physician and  
15 Surgeon in California as of the effective date of the Board's Decision and Order.

16 DATED:

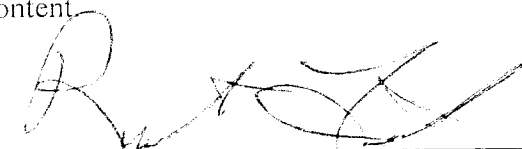
5/25/14

17   
ANDRE V. BLAYLOCK, M.D.  
Respondent

18  
19 I have read and fully discussed with Respondent Andre V. Blaylock, M.D., the terms and  
20 conditions and other matters contained in the above Stipulated Surrender of License and  
21 Disciplinary Order. I approve its form and content.

22  
23 DATED:

5-30-14

24   
ROBERT W. FRANK, ESQ.  
Attorney for Respondent

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

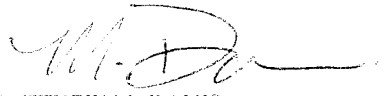
ENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 6/9/19

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS S. LAZAR  
Supervising Deputy Attorney General

  
MATTHEW M. DAVIS  
Deputy Attorney General  
*Attorneys for Complainant*



**Exhibit A**

**Accusation No. 09-2011-216634**

1 KAMALA D. HARRIS.  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MATTHEW M. DAVIS  
Deputy Attorney General  
4 State Bar No. 202766  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2093  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO March 12 2013  
BY H. Park ANALYST

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 09-2011-216634

13 **ANDRE V. BLAYLOCK, M.D.**  
14 **9985 Sierra**  
**Fontana, CA 92335**

**A C C U S A T I O N**

15 **Physician and Surgeon's Certificate No.**  
16 **G 51438**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (hereinafter "Complainant") brings this Accusation solely in  
22 her official capacity as the Executive Director of the Medical Board of California, Department of  
23 Consumer Affairs.

24 2. On or about October 17, 1983, the Medical Board of California issued  
25 Physician's and Surgeon's Certificate Number G 51438 to ANDRE V. BLAYLOCK, M.D.  
26 (hereinafter "Respondent"). The Physician and Surgeon's Certificate was in full force and effect  
27 at all times relevant to the charges brought herein, expired on April 30, 2011, and has not been  
28 renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Medical Board of California (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
7 one year, placed on probation and required to pay the costs of probation monitoring, be publicly  
8 reprimanded, or have such other action taken in relation to discipline as the board deems proper.

9 5. Section 2234 of the Code states:

10 "The board shall take action against any licensee who is charged with unprofessional  
11 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
12 limited to, the following:

13 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting  
14 the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical  
15 Practice Act].

16 "(b) Gross negligence.

17 "..."

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Gross Negligence)

20 6. Respondent has subjected his Physician's and Surgeon's Certificate Number  
21 G 51438 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
22 subdivision (b), of the Code, in that respondent committed gross negligence in his care and  
23 treatment of patient G.V., as more particularly alleged hereinafter:

24 ///

25 ///

26 ///

27 ///

28 ///

1           A.    On or about June 18, 2007, patient G.V. then a 51-year-old male patient, was  
2    seen by respondent for medication follow-up. Respondent's assessment of patient G.V.  
3    included a blood pressure measurement of 181/85 (manual) and 174/76 (machine.)  
4    Respondent diagnosed situational anxiety and prescribed Wellbutrin,<sup>1</sup> 150 mg twice daily,  
5    for patient G.V.

6           B.    On or about June 26, 2007, patient G.V. was seen in a Hypertension Family  
7    Medicine Department Population Care Management Walk-In Clinic. Patient G.V. was  
8    assessed to have uncontrolled hypertension and was prescribed Lisinopril,<sup>2</sup> 10 mg once per  
9    day. Patient G.V. also underwent lab testing, which included a complete blood count  
10   (CBC), Thyroid Stimulating Hormone (TSH), Direct LDL, Electrolyte Panel (Sodium,  
11   Potassium, Chloride, CO2), Creatinine serum, SGPT (ALT) and SGOT (AST). Patient  
12   G.V. was assessed to have stage 3 chronic kidney disease. His labs were noted in the  
13   progress note for this visit, including Creatinine of 1.4 and Potassium K of 3.4.

14          C.    On or about October 6, 2007, patient G.V. underwent further laboratory testing.  
15   In addition to a cholesterol panel and an electrolyte panel, patient G.V. underwent a PSA  
16   (Prostate Specific Antigen) test. Patient G.V.'s PSA level was measured at 14.47 and was  
17   flagged as high. Respondent saw these results on or about October 8, 2007, and noted  
18   "Referred to Urology." However, respondent failed to notify Patient G.V. of his elevated  
19   PSA or his referral to urology at that time.

20          D.    On or about April 17, 2008, respondent saw patient G.V. for nausea, vomiting,  
21   abdominal pain, and diarrhea. Respondent assessed patient G.V. to have gastroenteritis.  
22   Respondent did not follow up on patient G.V.'s previous abnormal PSA finding or his  
23   referral to urology during this visit.

24  
25  
26               <sup>1</sup> Wellbutrin (bupropion) is an antidepressant medication that is used to treat major  
depressive disorder and seasonal affective disorder.

27               <sup>2</sup> Lisinopril is an ACE inhibitor primarily used in treatment of hypertension, congestive  
28   heart failure, and heart attacks, and also in preventing renal and retinal complications of diabetes.

1 E. On or about October 14, 2008, respondent saw patient G.V. for pain and  
2 stiffness in his back following a motor vehicle accident. Respondent ordered X-rays and  
3 prescribed Vicodin,<sup>3</sup> 5-500 mg, and Nortryptoline,<sup>4</sup> 10 mg. Respondent did not follow up  
4 on patient G.V.'s previous abnormal PSA finding or his referral to urology during this visit.

5 F. On or about November 8, 2008, patient G.V. underwent further laboratory  
6 testing. In addition to a cholesterol panel and an electrolyte panel, patient G.V. again  
7 underwent a PSA (Prostate Specific Antigen) test. Patient G.V.'s PSA level was measured  
8 at 33.39 and was flagged as high. Respondent saw these results on or about November 17,  
9 2008. However, respondent did not advise patient G.V. of these abnormal PSA findings,  
10 did not order a follow up visit to address the abnormal PSA findings, and did not order  
11 monitoring of the abnormal PSA findings.

12 G. On or about November 14, 2008, respondent saw patient G.V. for follow up for  
13 his neck and back pain. Respondent did not follow up on patient G.V.'s previous abnormal  
14 PSA findings or his referral to urology during this visit.

15 H. On or about July 17, 2009, respondent saw patient G.V. for back pain.  
16 Respondent noticed patient G.V.'s elevated PSA findings and referred patient G.V. to  
17 urology for follow up and management.

18 7. Respondent committed gross negligence in his care and treatment of patient  
19 G.V. which included, but was not limited to, the following:

20 (a) Respondent failed to timely investigate, diagnose and follow up on patient  
21 G.V.'s abnormal PSA findings.

22 ///

23  
24 \_\_\_\_\_  
25 <sup>3</sup> Vicodin contains a combination of acetaminophen and hydrocodone. Hydrocodone is in  
26 a group of drugs called opioid pain relievers. An opioid is sometimes called a narcotic.  
Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. Vicodin is  
used to relieve moderate to severe pain.

27 <sup>4</sup> Nortriptyline is a tricyclic antidepressant and is used to treat symptoms of depression.  
28

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Medical Board of California issue a decision:

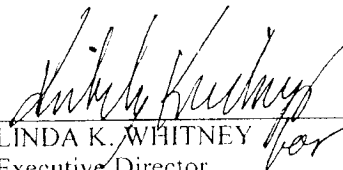
4 1. Revoking or suspending Physician and Surgeon's Certificate Number G 51438,  
5 heretofore issued to respondent ANDRE V. BLAYLOCK, M.D.;

6 2. Revoking, suspending or denying approval of respondent ANDRE V.  
7 BLAYLOCK, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the  
8 Code;

9 3 Ordering respondent ANDRE V. BLAYLOCK, M.D. to pay the Board, if placed  
10 on probation, the costs of probation monitoring; and

11 4. Taking such other and further action as deemed necessary and proper.

12  
13  
14 DATED: March 12, 2013

  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

15  
16  
17  
18  
19 SD2010703215  
70404380.doc